



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 7 - Special 125th Street District (125)

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Chapter 7 - Special 125th Street District (125)

97-00 - GENERAL PURPOSES

LAST AMENDED
11/30/2017

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and
- (i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

97-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section [12-10](#) (DEFINITIONS).

97-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the Special District shall apply within the Special District.

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

97-03 - District Plan and Maps

LAST AMENDED
11/30/2017

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

97-04 - Establishment of Subdistricts

LAST AMENDED
12/19/2017

In order to carry out the purposes and provisions of this Chapter, three subdistricts are established within the #Special 125th Street District#: the Core Subdistrict, the Park Avenue Hub Subdistrict and Subdistrict A. Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the subdistricts are shown on Map 1 in Appendix A of this Chapter.

97-05 - Establishment of Bonused Space Local Arts Advisory Council

LAST AMENDED
4/30/2008

A Bonused Space Local Arts Advisory Council shall be created for the purpose of reviewing and making recommendations concerning the Community Engagement Plans of proposed operators of visual or performing arts #uses# pursuant to paragraph (c)(7) of Section [97-423](#) (Certification for floor area bonus for visual or performing arts uses). The Bonused Space Local Arts Advisory Council shall consist of 11 members: two (2) members appointed by the Commissioner of the Department of Cultural Affairs, one of whom shall be designated by such Commissioner to serve as Chair, and three (3) members appointed by each of the Council Members for the Councilmanic Districts in which the Special District is located, who will rotate depending upon where the proposed visual or performing arts #use# is located, pursuant to Sections [97-422](#) and [97-423](#). Members of the Bonused Space Local Arts Advisory Council shall be members of the Harlem performing or visual arts, non-profit, or business communities and shall serve at the pleasure of the appointing official. The Department of Cultural Affairs shall provide staff assistance to the Bonused Space Local Arts Advisory Council and shall establish guidelines and procedures for the performance of its functions.

In making a recommendation concerning a Community Engagement Plan pursuant to paragraph (c)(7) of Section [97-423](#), the Bonused Space Local Arts Advisory Council shall consider the prior history and/or proposed scope of outreach and educational activities in Community Boards 9, 10 or 11 by the proposed operator; and the organizational capacity and commitment of the proposed operator to implement local partnerships under the Community Engagement Plan. The Department of Cultural Affairs shall not submit a letter to the Chairperson of the City Planning Commission pursuant to

paragraph (c)(7) of Section [97-423](#) without having first received and considered the written recommendation of the Bonused Space Local Arts Advisory Council, provided that the Bonused Space Local Arts Advisory Council shall have provided the Department of Cultural Affairs with such written recommendation no later than 45 days following receipt of a request for review from the Department of Cultural Affairs.

97-06 - Applicability of District Regulations

LAST AMENDED
12/19/2017

97-061 - Applicability of Special Transit Land Use District Regulations

LAST AMENDED
12/19/2017

Wherever the #Special 125th Street District# includes an area which also lies within the #Special Transit Land Use District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs (a)(5) and (a)(6) of Section [97-432](#) (Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict).

97-062 - Applicability of the Quality Housing Program

LAST AMENDED
12/19/2017

In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

97-063 - Applicability of Inclusionary Housing Program

LAST AMENDED
12/19/2017

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section [23-154](#) (Inclusionary Housing) and in Section [23-90](#) (INCLUSIONARY HOUSING), inclusive, #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# within the #Special 125th Street District# are shown on the maps in APPENDIX F of this Resolution.

97-10 - SPECIAL USE AND LOCATION REGULATIONS

LAST AMENDED
4/30/2008

97-11 - Special Arts and Entertainment Uses

LAST AMENDED
4/30/2008

In order to sustain the arts and entertainment character of the 125th Street corridor, the provisions of this Section shall apply.

(a) The following #uses# shall be designated as entertainment #uses#:

- Auditoriums
- Bookstores
- Clubs, including music, dance or comedy clubs
- Eating or drinking establishments, with table service only
- Music stores
- Studios, art, music, dancing or theatrical
- Studios, radio, television or motion picture.

(b) The following #uses# shall be designated as visual or performing arts #uses#:

- Art galleries
- Historical exhibits
- Literary arts spaces
- Museums
- Performance spaces
- Primary rehearsal spaces
- Theaters
- Visual/Media arts spaces.

97-12 - Arts and Entertainment Use Requirement

LAST AMENDED
6/30/2011

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, or for that portion of a #zoning lot# located within the Core Subdistrict, for #buildings# or portions of #buildings# #developed# or #enlarged# after April 30, 2008, that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125th Street, an amount of space equivalent to a minimum of five percent of the #floor area# of the #development# or #enlargement# shall be occupied by one or more of the #uses# designated in Section [97-11](#) (Special Arts and Entertainment Uses).

97-13 - Permitted Small Sidewalk Cafe Locations

LAST AMENDED
6/30/2011

#Small sidewalk cafes# shall be permitted in the #Special 125th Street District# as indicated on Map 2 (Permitted Small Sidewalk Cafe Locations) in Appendix A of this Chapter, subject to all applicable regulations of Article I, Chapter 4 (Sidewalk Cafe Regulations).

97-20 - LOCATION AND ACCESS REGULATIONS

LAST AMENDED
11/30/2017

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section [97-21](#) (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, shall apply.

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section [97-21](#), inclusive, shall apply to any #zoning lot#, or portion thereof, specified in Section [97-21](#), and the provisions of Section [97-22](#) (Supplemental Use and Streetscape Regulations Within the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portions thereof.

For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections [12-10](#) (DEFINITIONS) and [37-311](#) (Definitions).

97-21 - Supplemental Use and Streetscape Regulations Along 125th Street

LAST AMENDED
11/30/2017

Within the #Special 125th Street District#, for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the requirements of this Section, inclusive. However, on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-211 - Location of and Access to Arts and Entertainment Uses

LAST AMENDED
11/30/2017

Any arts and entertainment #uses# listed in Section [97-11](#) that are provided in order to comply with the requirements of Section [97-12](#) (Arts and Entertainment Use Requirement) or Section [97-422](#) (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

The designated #uses# listed in Section [97-11](#) may be located anywhere throughout a #building# that fronts on 125th Street, subject to the following conditions:

- (a) any such designated #uses# within the Core Subdistrict required pursuant to Section [97-12](#) shall be accessed from 125th Street; and
- (b) any #residential use# shall be located on a floor wholly above any #commercial# #use#; or
- (c) any #commercial# #use# may be permitted on the same #story# as a #residential use#, provided that:
 - (1) no access exists between #commercial# #uses# and #residential uses# at any level; and
 - (2) #commercial# #uses# are not located directly over any #residential uses#.

Such #commercial# #use#, however, may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

97-212 - Uses not permitted on the ground floor of buildings

LAST AMENDED
11/30/2017

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings# #developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings# #enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section [97-213](#) (Access to non-ground floor uses).

From Use Group 2:

All #uses#.

From Use Groups 3A and 3B:

All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:

All #uses#.

From Use Groups 6A, 6B, 6C and 6E:

Banks (except for automated teller machines, provided the width of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning

lot#, whichever is less, measured to a depth of 30 feet from 125th Street, except that such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:

All #uses#.

From Use Group 7:

All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:

All #uses#.

From Use Groups 9A, 9B and 9C:

All #uses#, except for #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:

Depositories for storage, and wholesale offices or showrooms.

Use Group 11:

All #uses#.

Use Groups 12A and 12B:

Trade expositions.

Use Groups 12C and 12D:

All #uses#.

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

Within the Special District, for such #developments# and #enlargements# that are no more than one #story#, a #use# permitted by the regulations of the underlying district shall be allowed.

97-213 - Access to non-ground floor uses

LAST AMENDED
11/30/2017

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section [97-22](#) shall be as set forth for Type 1 lobbies in Section [37-33](#) (Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

97-214 - Transparency requirements along 125th Street

LAST AMENDED
11/30/2017

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements).

97-22 - Supplemental Use and Streetscape Regulations Within the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portions thereof, that are not subject to the provisions of Section [97-21](#) (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

97-221 - Modification of supplemental use location regulations

LAST AMENDED
11/30/2017

The supplementary #commercial# #use# regulations of Section [32-421](#) (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial# #uses# on any #story#, provided that at any level containing #residences#, no access exists between such #commercial# and #residential uses# and provided that such #commercial# #uses# are not located directly over any #residential use#.

97-222 - Ground floor use and streetscape regulations

LAST AMENDED
11/30/2017

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level# #enlargements#. Any portion of a #ground floor level# allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the provisions of Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), any portion of a #ground floor level# #street# frontage along Park Avenue that is not subject to the provisions of Section 97-21 (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, as well as any #narrow street# frontage within 50 feet of Park Avenue, shall be considered #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with the provisions of Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

97-30 - SPECIAL SIGN REGULATIONS

LAST AMENDED
4/30/2008

#Signs# for all #uses# within the #Special 125th Street District# shall be subject to the applicable #sign# requirements in Section 32-60, inclusive, subject to the modifications of Sections 97-31 through 97-34, inclusive.

#Marquee signs# for an arts #use# may be combined, subject to the requirements of Section 32-641 (Total surface area of signs).

In the event of a conflict between the provisions of this Section, 97-30, inclusive, and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

97-31 - Definitions

LAST AMENDED
12/19/2017

Marquee

A “marquee” is a permanent structure or canopy located above the primary entrance to an arts #use# fronting on 125th Street or Fifth Avenue, that projects over the sidewalk and is attached to, and entirely supported from, the #street wall# of the #building#. The location and dimensions of the #marquee# shall be determined by the requirements of Section 97-32.

All #marquees# shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9, of the New York City Building Code, or its successor, pertaining to projecting #signs#.

Marquee sign

A “marquee sign” is a #sign#, other than an #advertising sign#, mounted on a #marquee# that identifies the arts #use# and provides informational displays about such #use#.

97-32 - Location, Height and Width of Marquees and Marquee Signs

LAST AMENDED12/19/2017

For the purposes of this Chapter, #marquees# shall be permitted only above the primary entrance to one of the following #uses# fronting upon 125th Street or Fifth Avenue:

- Museums
- Performance spaces
- Theaters

#Marquees# shall project over the sidewalk no more than 15 feet from the #lot line# and shall be no nearer to the curb than two feet.

(a) Height of #marquees#

The minimum height of a #marquee# or a #marquee sign# shall be three feet; the maximum height for such structure and #sign# shall be five feet. No part of a #marquee# or a #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(b) Width of #marquees#

The width of a #marquee# or a #marquee sign# shall be no greater than 50 percent of the width of the #building# frontage to which it is attached or 40 feet, whichever is less.

97-33 - Vertical Distance Above Sidewalk of Marquees and Marquee Signs

LAST AMENDED
4/30/2008

The minimum vertical distance from the sidewalk for a #marquee# shall be 12 feet; the maximum vertical distance above the sidewalk for such #marquee# shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section 32-653 (Additional regulations for projecting signs), additional #signs# may be displayed on a #marquee#, provided such #sign# is no more than two feet above the #marquee#.

No #marquee# or #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

97-34 - Accessory Signs for Visual or Performing Arts Uses

LAST AMENDED
4/30/2008

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following visual or performing arts #uses# fronting on 125th Street or Fifth Avenue within the #Special 125th Street District# shall be permitted to erect a #marquee sign# on or above a #marquee#:

- Museums
- Performance spaces
- Theaters.

#Flashing signs# shall not be permitted as #accessory# #signs# for arts #uses#.

97-40 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/19/2017

Within the #Special 125th Street District#, for #developments# or #enlargements#, the applicable #bulk# regulations of the underlying districts shall apply, except as modified by the provisions this Section, inclusive.

97-41 - Special Floor Area Regulations

LAST AMENDED
11/30/2017

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

97-411 - Maximum floor area ratio within the Core Subdistrict and areas outside of a subdistrict

LAST AMENDED
12/19/2017

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and in areas outside of a subdistrict, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility# #uses#, and may only be increased pursuant to Section 97-42 (Additional Floor Area and Lot Coverage Regulations), inclusive.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES

	Outside the Core Subdistrict			Within the Core Subdistrict		
District	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Community Facility Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Community Facility Floor Area Ratio#
C4-4D	5.4	4.0	6.0	5.4	4.0	6.0
C4-7	9.0	10.0	10.0	5.4	7.2	7.2
C6-3	6.0	6.0	6.0	5.4	6.0	6.0

97-412 - Maximum floor area ratio in the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential# #floor area#, such #zoning lot# shall satisfy the provisions of either:

- a minimum non-#residential# #floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel#; or
- a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of Section [23-154](#) (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential# #floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots#, subject to the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section [23-154](#), the maximum #residential# #floor area# provision of the underlying district as specified in Section [23-153](#) (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section [97-422](#) (Floor area bonus for visual or performing arts uses). For #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant to the provisions of Article VI, Chapter 3.

97-413 - Maximum floor area ratio in Subdistrict A

LAST AMENDED
12/19/2017

In Subdistrict A, the maximum #residential# #floor area ratio# shall be 9.0 and the maximum #floor area ratio# for non-#residential uses# shall be 10.0. Such maximum non-#residential# #floor area# may only be increased pursuant to paragraph (c) of Section [97-422](#) (Floor area bonus for visual or performing arts uses).

97-42 - Additional Floor Area and Lot Coverage Regulations

LAST AMENDED
10/7/2011

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased pursuant to the #floor area# provisions of Section [97-421](#) (Inclusionary Housing) or paragraph (a) of Section [97-422](#) (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) or (c), as applicable, of Section [97-412](#) (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section [97-422](#).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). Bonuses pursuant to Sections [66-51](#), [97-421](#) and [97-422](#) may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

97-421 - Inclusionary Housing

LAST AMENDED
12/19/2017

In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, the #residential# #floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section [23-154](#) (Inclusionary Housing).

97-422 - Floor area bonus for visual or performing arts uses

LAST AMENDED
12/19/2017

- (a) In C4-4D, C4-7 or C6-3 Districts within the Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial# #uses# listed in Section [97-411](#) may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section [97-11](#) (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section [97-423](#) have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL AND COMMERCIAL USES WITH FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

	Within areas outside a subdistrict				Within the Core Subdistrict			
	#Residential# #Floor Area Ratio#		#Commercial# #Floor Area Ratio#		#Residential# #Floor Area Ratio#		#Commercial# #Floor Area Ratio#	
	Base	Maximum	Base	Maximum	Base	Maximum	Base	Maximum
C4-4D	5.4	7.2	4.0	5.4	5.4	7.2	4.0	5.40
C4-7	9.0	12.0	10.0	12.0	5.4	7.2	7.2	8.65
C6-3	6.0	8.0	6.0	8.0	5.4	7.2	6.0	8.00

- (b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section [97-412](#) (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section [97-11](#) (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section [97-423](#) have been met.

- (c) In C4-7 Districts within Subdistrict A, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in Section [97-413](#) (Maximum floor area ratio in Subdistrict A) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section [97-11](#) (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section [97-423](#) have been met.

97-423 - Certification for floor area bonus for visual or performing arts uses

LAST AMENDED
12/19/2017

The minimum non-#residential# #floor area# or equivalent floor space provisions of paragraph (a)(2) of Section [97-412](#) (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the #floor area# bonus provisions of Section [97-422](#) shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section [97-412](#), or all #floor area# that will result from the permitted increase in #floor area ratio# pursuant to Section [97-422](#), including the location of such #floor area#.
- (b) Drawings also have been provided that clearly designate all #floor area# or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of paragraph (a)(2) of Section [97-412](#), or for which a bonus is to be received pursuant to Section [97-422](#).

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

- (1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory# #uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;
- (2) all bonused #floor area# or below-grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided pursuant to paragraphs (a)(2) of Section [97-412](#) or (b)(2) of Section [97-422](#). However, all bonused #floor area# or below-grade floor space occupied by visual or performing arts #uses# within a #development# may be primarily accessed from Fifth Avenue, provided the following conditions are met:
 - (i) the #zoning lot# must have at least 150 feet of Fifth Avenue frontage where such primary entrance is provided; and
 - (ii) signage that identifies the visual or performing arts #uses# shall be provided at both the primary entrance on Fifth Avenue and on 125th Street;
- (3) in the case of primary rehearsal space, where such space does not consist of #accessory# #uses# subject to the requirements of paragraph (b)(4), such space:
 - (i) can be adapted for rehearsals or performances open to the public;
 - (ii) is located on the first #story# of the #building# or on any higher #story# with a ceiling height not greater than 60 feet above grade;
 - (iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section. In addition, where such primary rehearsal space is provided pursuant to paragraphs (a)(2) of Section [97-412](#) or (b)(2) of Section [97-422](#) such #street wall# with 50 feet of frontage need not be along 125th Street,
 - (iv) has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than 9 feet, 6 inches; and
 - (v) complies with the following glazing requirements, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section: at least 70 percent of the total surface area of the #street wall# abutting the primary rehearsal space, measured from finished floor to ceiling shall be glazed. Furthermore, at least 90 percent of such area shall be transparent from within one foot of the finished floor level to at least eight feet above such level. For primary rehearsal spaces located at the corner of 125th Street and an intersecting #street#, the glazing requirements of this Section shall be applied separately for each #street wall#, and up to 100 feet along such intersecting #street#;
- (4) for performance space which is exclusively designed and arranged for the presentation of live drama, music, dance and interactive or multidisciplinary performances open to the public, such space may be below grade provided it has a minimum area of 2,000 square feet of column-free space with a floor-to-ceiling height of not less than 16 feet;
- (5) #Accessory# space
 - (i) For primary rehearsal spaces, no more than 25 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses# #accessory# to such primary rehearsal spaces. #Accessory# #uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;
 - (ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses# accessory# to such visual or performing arts #uses#, provided no single #accessory# #use# occupies more than 25 percent of such total minimum required #floor area# or equivalent below-grade floor space, or bonused #floor area# or below grade floor space. #Accessory# #uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and
- (6) Signage
 - (i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section [97-30](#), inclusive, except where such visual or performing arts facility is provided pursuant to paragraphs (a)(2) of Section [97-412](#) or (b)(2) of Section [97-422](#); and
 - (ii) For below grade performance space subject to the requirements of paragraph (b)(4) of this Section, such #sign#, not including any frame or surrounding element, shall be utilized for the additional purpose of informing the public regarding the program of scheduled performances in such facility, and shall be no less than two feet in width and four feet in height, and shall be installed a minimum of 2 feet, 6 inches above grade;
- (c) A letter from the Department of Cultural Affairs has been submitted to the Chairperson of the City Planning Commission, certifying that:
 - (1) a signed lease has been provided from the prospective operator of the visual or performing arts space, or a written commitment from the owner of such space in a form acceptable to the City, if such owner is also the operator, for occupancy of such space, and its operation as a visual or performing arts space for a period of not less than 15 years, with two five-year renewal options, pursuant to an operating plan and program therefor;
 - (2) the proposed operator of the visual or performing arts space is a non-profit organization;
 - (3) the proposed operator of the visual or performing arts space has the fiscal and managerial capacity to successfully operate such space;
 - (4) the proposed operator of the visual or performing arts space will have a program of regularly scheduled presentations or performances that are open to the public, provided that, in the case of a visual or performing arts space that is a primary rehearsal space, a program of regularly scheduled rehearsals or performances open to the public shall be required only where the proposed

operator is the principal user of the primary rehearsal space. In the event that the proposed operator is not the principal user of the primary rehearsal space and such space is made available to multiple organizations or individuals on an hourly, weekly, monthly or similar basis, the proposed operator shall allow open rehearsals or performances open to the public to be sponsored by such organizations or individuals, upon request;

- (5) preliminary design plans have been provided to the Department of Cultural Affairs for the visual or performing arts space, which shall include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems necessary to ensure that such visual or performing arts space will operate efficiently for its intended use;
 - (6) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and
 - (7) the proposed operator of the visual or performing arts space has a Community Engagement Plan that will effectively encourage public access and use of the visual or performing arts space, provide educational opportunities to the local community, and address new, undeveloped and/or underserved audience or participant groups. The Department of Cultural Affairs shall make its determination concerning the sufficiency of the Community Engagement Plan based upon consideration of the written recommendation of the Bonused Space Local Arts Advisory Council with respect thereto.
- (d) A legal commitment by the owner has been provided:
- (1) for the operator of the visual or performing arts space to submit an annual program report, describing the use of the space during the previous year, to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs, the Manhattan Borough President, the applicable Community Board and the local Council Member; and
 - (2) for inspection and ongoing maintenance of the visual or performing arts space to ensure its continued availability for use as a visual or performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report identifying the operator utilizing the space, describing the condition of the space and identifying any maintenance or repair work necessary to ensure the physical and operational soundness of such space, and establishing a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work, shall be submitted to the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs;
- (e) A legal commitment by the owner has been provided for continued occupancy of all floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received pursuant to Section 97-422, as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An adult establishment# use# shall be prohibited for the life of the development# or enlargement#.
- (1) notwithstanding the provisions of this paragraph (e), an owner shall not be in violation of such legal commitment during a grace period consisting of:
 - (i) six (6) months from the date the visual or performing arts space is vacated by the operator, provided owner timely notifies the Departments of City Planning and Cultural Affairs of such vacancy in accordance with the requirements of the legal commitment;
 - (ii) the period of review by the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs with respect to a new operator and any associated change of design or use# requirements pursuant to this Section, provided that application for certification pursuant to this Section is made no later than the expiration of the six month period set forth in paragraph (e)(1)(i) of this Section;
 - (iii) any period set forth in such certification as necessary to allow for the modification of design to accommodate a new operator; and
 - (iv) any event of force majeure;
 - (2) in the event that the Chairperson of the City Planning Commission determines that the requirements for certification pursuant to this Section with respect to a change of operator and associated change of design or use# requirements are not satisfied, the grace period set forth in paragraph (e)(1) of this Section shall thereupon apply from the date of such determination;
- (f) A legal commitment by the owner has been provided that all visual arts exhibitions or presentations of live drama, music, dance, interactive or multidisciplinary performances shall be open to the public in accordance with the terms of the letter issued by the Commissioner of Cultural Affairs, pursuant to paragraph (c) of this Section;
- (g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to Section 97-422, as a visual and performing arts space only, the owner shall not permit the occupancy of any floor area# in the development# or enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner of the visual or performing arts space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson. The filing of such declaration and the posting of any bond or other security required by the Chairperson under the terms of such declaration, and receipt of a certified copy of such declaration shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any development# or enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the development# or enlargement# identified under the terms of the declaration of restrictions as utilizing the floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased floor area# permitted pursuant to Section 97-422, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the development# or enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the development# or enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the development# or enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the building#. The temporary or final certificate of occupancy for any portion of the development# or enlargement# identified under the terms of the declaration of restrictions as utilizing the floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased floor area# permitted pursuant to Section 97-422 shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the development# or enlargement#.

In granting the original certification, the Chairperson of the City Planning Commission may specify such changes in design or use# that would not warrant further certification pursuant to this Section.

97-424 - Special Lot Coverage Regulations

LAST AMENDED
12/19/2017

The maximum lot coverage# for residential use# in C6-3 Districts within the Special 125th Street District# shall be 70 percent for interior# or through lots# and 100 percent for corner lots#.

97-43 - Special Height and Setback Regulations

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-431 - Permitted obstructions

LAST AMENDED
12/19/2017

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section [23-621](#) (Permitted obstructions in certain districts).

97-432 - Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict

LAST AMENDED
12/19/2017

(a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

- (1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.
- (2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- (3) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.
- (5) For any #development# or #enlargement# that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.
- (6) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

(b) Maximum height of building and setback

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Core Subdistrict and areas outside of a subdistrict:

- (1) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	#Street Wall# Height (in feet)		Maximum Height of #Building or Other Structure# (in feet)
	Minimum Base Height	Maximum Base Height	
C4-7	60	85	195
C6-3	60	85	160

All portions of #buildings or other structures# that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of paragraph (a) of Section [97-432](#) (Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict).

- (2) Special regulations for certain C4-7 Districts
 - (i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.
 - (ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.
 - (iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.
- (3) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost

walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

97-433 - Height and setback regulations in the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section [35-651](#) shall be modified as follows:

(1) Along 125th Street

The minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

The provisions of paragraph (a) of Section [35-651](#) shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings# or other structures# shall be as set forth in Sections [35-652](#) (Maximum height of buildings and setback regulations) or [35-654](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings# or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section [97-20](#) (LOCATION AND ACCESS REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section [35-652](#).

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in paragraph (a) of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#) (Maximum height of buildings and setback regulations). Above such required setback, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a "tower."

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential# #floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section [23-65](#) (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

97-434 - Height and setback regulations in Subdistrict A

LAST AMENDED
12/19/2017

Within Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, the underlying height and setback regulations for #Quality Housing buildings# shall apply, except that in C4-7 Districts, the minimum and maximum base heights and the overall maximum #building# height provisions of Section [35-65](#), inclusive, shall be modified in accordance with the following table: Maximum height of #buildings.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	#Street Wall# Height (in feet)		Maximum Height of #Building or Other Structure# (in feet)
	Minimum Base Height	Maximum Base Height	
C4-7	60	85	245

Above the maximum base height, a setback shall be provided in accordance with the provisions of paragraph (c) of Section 23-662.

97-44 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/19/2017

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that for any #zoning lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on such #zoning lot# without regard to the requirements of Section [77-22](#) (Floor Area Ratio), subject to the applicable height and setback regulations.

97-50 - SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
4/30/2008

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Off-street Loading Regulations) shall apply within the #Special 125th Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125th Street within the Special District may be modified, so that such facilities may be provided off-site, within a #Commercial District#, but at a distance no greater than 1,200 feet from the #zoning lot#.

97-51 - Accessory Off-street Parking Within the Core Subdistrict and Areas Outside of a Subdistrict

LAST AMENDED
11/30/2017

97-511 - Required accessory off-street residential parking

LAST AMENDED
11/30/2017

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section [97-50](#) (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

97-512 - Required accessory off-street commercial parking

LAST AMENDED
11/30/2017

In #Commercial Districts# within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section [36-21](#), as modified by the provisions of Section [97-50](#) (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial# #uses# in C4-4D Districts.

97-52 - Required Accessory Off-street Parking Within the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.

97-53 - Location of Access to the Street

LAST AMENDED
4/30/2008

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125th Street or any other #wide street# that intersects with 125th Street, other than under the specific conditions of Sections [97-55](#) (Certification for Access to Required Uses) and [97-56](#) (Authorization for Access to Permitted Parking Facilities or Loading Berths).

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of [97-54](#) (Parking Access Through Zoning Lots in Residence Districts).

97-54 - Parking Access Through Zoning Lots in Residence Districts

LAST AMENDED
2/2/2011

For a #zoning lot# within a #Residence District#, which #zoning lot# fronts upon either 124th or 126th Street and the #rear lot line# #abuts# a #zoning lot# that fronts only on 125th Street, and such #zoning lot# has been vacant since April 30, 2008, access for parking and loading purposes may be provided through such #zoning lot#.

97-55 - Certification for Access to Required Uses

LAST AMENDED
12/19/2017

If access to a required #accessory# #residential# parking facility or loading berth is not possible because of the requirements of Section [97-53](#) (Location of Access to the Street), or, for #developments# in Subarea A, the requirements of Section [36-683](#) (Restrictions on location of berths near Residence Districts), a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of

Buildings that such location is:

- (a) the only possible location for the facility or loading berth;
- (b) not hazardous to traffic safety;
- (c) located not less than 50 feet from the intersection of any two #street lines#; and
- (d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

97-56 - Authorization for Access to Permitted Parking Facilities or Loading Berths

LAST AMENDED
4/30/2008

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

- (a) If access to a permitted #accessory# #residential# or public parking facility is not possible due to the requirements of Section 97-53, the Commission may authorize curb cuts for such #uses#, provided such curb cuts:
 - (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
 - (2) will not interfere with the efficient functioning of public transit facilities.
- (b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the Commission may authorize curb cuts for such #use#, provided:
 - (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
 - (2) such maneuvering area is at least equal in size to the area of the loading berth; and
 - (3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commission may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

97-57 - Public Parking Facilities

LAST AMENDED
4/30/2008

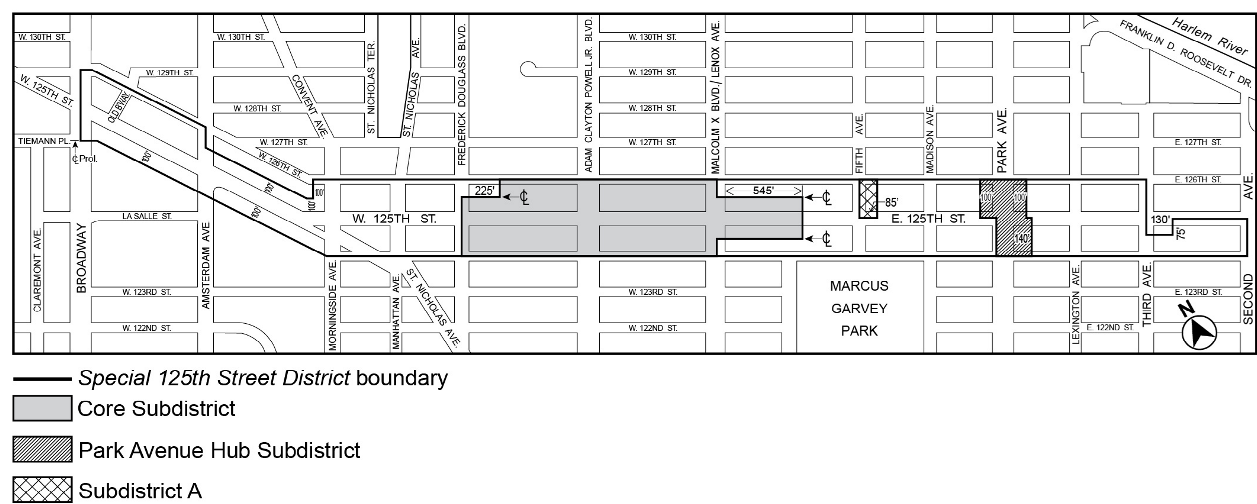
Notwithstanding the special permit regulations of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-512 and 74-52.

#Public parking lots# are not permitted on zoning lots with 125th Street frontage within the Special District.

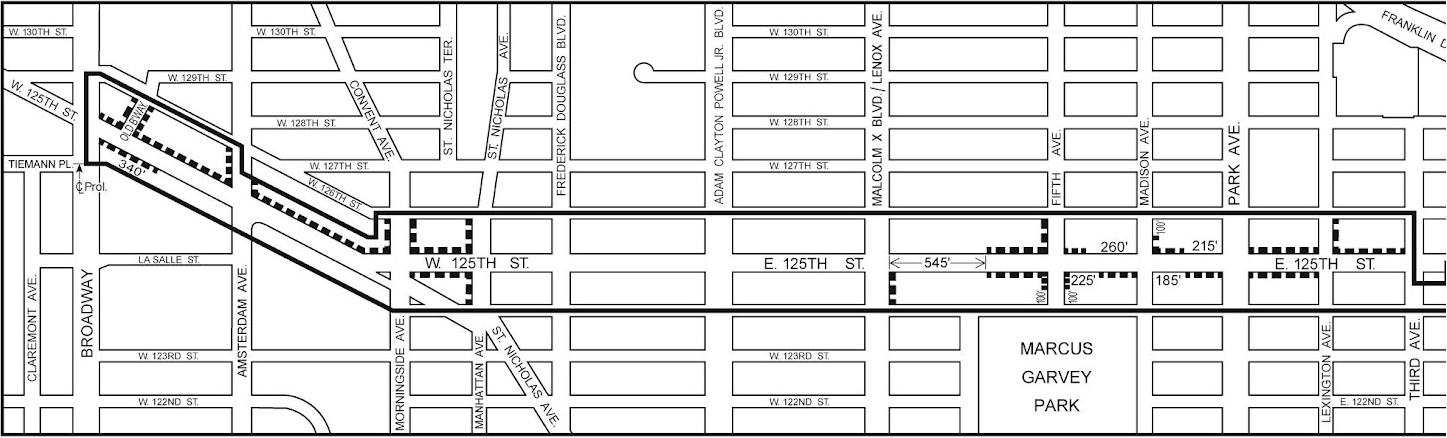
Appendix A - Special 125th Street District Plan

LAST AMENDED
12/19/2017

Map 1: Special 125th Street District and Subdistricts (97A.1)



Map 2: Permitted Small Sidewalk Cafe Locations (97A.2)



- Special 125th Street District boundary
- - - - - Locations where only small sidewalk cafes are permitted

